

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

OCT 30 2014

JAMES N. HAYLEN, Clerk
By: *[Signature]*
Deputy Clerk

Sherrie Hampton-Muhamed,)
Plaintiff,)
)
v.) Civil Action No. 1:13-CV-3659-CC
)
James B Nutter & Company, et al)
Ronald R. Wolfe & Assocs., P.L., et al)
JOHN DOES 1-20,)
Defendants)

**AFFIDAVIT IN REBUTTAL of AFFIDAVIT FOR DAMON ELLIS
(Doc. 18-1, filed 8/19/14)**

The State of Georgia)
) ss. ***TO ALL TO WHOM THESE PRESENTS***
The County of Gwinnett) ***SHALL COME***

PLEASE TAKE NOTICE, that **Sherrie Hampton-Muhamed**, your Affiant and the undersigned, with personal knowledge of matters set forth herein, one of the people of Georgia, in correct public capacity, being of majority in age, competent to testify with clean hands, without waiving any rights, remedies, or defenses declares, verifies and affirms that the facts stated herein are true, correct, and complete in all material fact, not misrepresented and made under the penalties of perjury of the laws of the united States of America and the State of Georgia, except

those statements of fact made upon information and belief, and as to those statements, the undersigned believes them to be true:

1. I am a consumer who has filed an amended complaint for Fair Debt Collection Practices Act and am disputing the debt in my amended complaint to curtail RRW's abusive debt collection practices and therefore dispute the following items in the affidavit:

2. In dispute of # 2 how can Mr. Ellis have firsthand knowledge about this debt collection when it is the client, James B Nutter that has all of the information. If he read the documents and/or had firsthand knowledge he would have seen in the records that this debt does not belong to affiant.

3. In dispute of Item #3 RRW is a debt collector by their own admission and proof and this amended complaint is related to the firm coming after affiant in Georgia for an alleged debt that does not belong to affiant.

4. In dispute of Item #6 when a business reaches across a state line into another state in attempt to collect a debt even though the principle location of the debt is in their resident state, they are in effect, in fact conducting business in Georgia when they sent a process server to serve process upon me and mail to my address in Georgia communication in attempts to collect a debt.

5. In dispute of Item # 9 stating RRW has never caused a tortious injury in

Georgia is erroneous. The intentional infliction of emotional distress affiant experienced in Georgia created by the lawsuit and the attorneys actions was a tortious injury. Attorney Croteau represented RRW at multiple hearings and was made aware of her client's felony trespass and theft and did nothing (that affiant was aware of) since the activity continued. Anyone who knows a fact is a violation of law and does nothing, or delegates to another, or commits the act themselves is guilty of misprision of felony. Attorney Croteau also had ex-parte hearings on July 8, 2014 and September 23, 2014 and conspired with the Judge to violate Florida statutes to force affiant to Florida for a deposition. Anyone who knowingly violates the federal law or federal statute becomes personally liable and has no protection regardless of the corporate veil. All of the evidence of the tort is in the case or will be presented later.

6. In dispute of Item #10, see response related to Item # 6.

7. In dispute of Item # 14 Affiant disputes #11 since the Amended Complaint Attorney Ellis reviewed was not about the prosecution of a foreclosure action, it was about the attorneys at RRW behavior and conduct in their attempts to collect a debt from affiant that is not affiant's responsibility. The attorney's actions also included the continued false and misleading information to the tribunal along with allowing the continued debt collection without validation.(15 USC 1692 e and

1692g(b))

8. The amended complaint is not about the prosecution of a foreclosure, it is about their behavior and conduct in Georgia beginning with collection letters and summons into court and anything mailed to affiant in Georgia related to debt collection in Georgia.

9. In dispute of Item # 16, while it could be construed that affiant has an interest in the property, the fact is that affiant has title to the property that was issued to affiant by the court. The court granting me title to the property did not transfer debt of the deceased in that title action.

10. In dispute of Item #17 Pro Vest did not perfect proper service of process and Attorney Ellis has contradicted his statement. RRW engaged the services of Pro Vest and then says RRW has no relationship with Pro Vest. However, if RRW engaged the services of Pro Vest, RRW did have a relationship with them. Since RRW does not have firsthand knowledge of the service of process, they are assuming that Pro Vest told the truth on their affidavit, which affiant disputed as soon as she received a copy of the affidavit.

11. In dispute of Item #18 Attorney Ellis is not providing all of the information in relation to the affidavit related to the Process of service that was never perfected properly, according to Florida law for the following reasons:

- a. Description was totally erroneous of the alleged spouse receiving the documents.
- b. There were multiple people at the house at that time
- c. Someone might have told them who affiant's spouse was, but the description of the person they left them with absolutely could not be affiant's husband.
- d. If affiant's spouse was spelling his name for the alleged process server, he would have spelled his name correctly.
- e. Affiant did not get the documents until November 7, 2012 when she found them in the foyer. Affiant's husband does not remember where they came from or was not paying attention with all of the activity in the house when affiant was gone.
- f. When affiant talked to her spouse he did not know what was left because whoever left them did not explain what was in the documents with whomever they were left with.
- g. Nothing was left on the documents to prove who served the documents or what day or time they were left, also in violation of Florida Rules of Civil Procedures and Florida Statutes.
- h. So without firsthand knowledge and no affirmation on the actual documents as required by Florida law, no one at RRW can say that service was perfected.

12. In dispute of Item #19 Attorney Ellis states that other than the attempt to serve process on affiant in Georgia, everything else has happened in Florida. This is erroneous since the acceleration/debt collection letter came to her home in Georgia before the attempt at service and any and all other contact with affiant has been by mail in Georgia before anything is entered into Florida. Mr. Ellis also refers to an ex-parte hearing held July 8, 2014 with one of the RRW attorneys and Judge Donnellan. RRW attorneys should know that it was a violation of law to bring affiant into Florida for a deposition when she lives in Georgia. Instead a hearing was held with Judge Donnellan without affiant present. Deposition has to be done where affiant lives in Georgia not in Florida. Attorney Ellis is in error that affiant must appear in Sarasota County for a deposition, because Florida law cannot make affiant appear 700 miles away. The Judge has since recused herself. Both RRW attorneys and the Judge were requesting the deposition in violation of Florida statutes, laws and procedures.

13. In dispute of Item #20 RRW is a debt collector attempting to collect a debt in Georgia and did engage in substantial interstate activity to Georgia. The mail came from Florida to Georgia which is interstate activity and could be considered mail fraud since they are attempting to collect a debt that does not belong to affiant. Affiant is sorry it is inconvenient to litigate in Georgia, but if RRW does

not want to litigate business in Georgia they should not conduct business in Georgia or violate the federal laws in Georgia.

14. Anyone who knowingly violates the federal law or federal statute becomes personally liable and has no protection regardless of the corporate veil. Anyone who knows a fact is a violation of law and does nothing, or delegates to another, or commits the act themselves is guilty of misprision of felony.

Further, Affiant sayeth naught.

Dated this 29th day of October, 2014.

Done under my hand and seal of my free will act and deed.

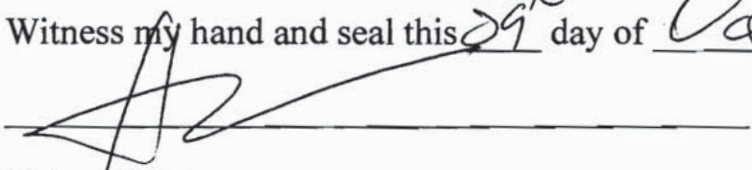
By: Sherrie Hampton-Muhamed
Sherrie Hampton-Muhamed, Authorized Signatory for and
Director of SHERRIE HAMPTON-MUHAMED, a Legal Person
4329 Donerail Drive
Snellville, Georgia [30039]

State of Georgia)
)ss.: JURAT/ACKNOWLEDGMENT
County of Gwinnett)

On this 29th day of October, 2014, before me,
Hawad F. Law, a Notary Public in and for
the State of Georgia and County of Gwinnett, personally appeared **Sherrie
Hampton-Muhamed**, who proved to me on the basis of satisfactory evidence to
be the living woman who attested and subscribed to the within above instrument,

by the above-named party's unlimited commercial liability, as true, correct, complete and not misleading, and further proven that she is the woman subscribed to within this instrument.

Witness my hand and seal this 29th day of Oct., 2014.


Notary Public

Seal:

My Commission Expires: 02/04/2018

